

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AURELIO FLORES MORENO, et al.,

No. 17 CV 9439-LTS-KNF

Plaintiffs,

-against-

ORDER

153 J AND J FOOD MARKET CORP., et
al.,

Defendants.

The attorneys for the parties have advised the Court that this action has been or will be settled. Accordingly, it is hereby ORDERED that the parties shall file a motion for approval of the settlement, accompanied by evidence in the form of one or more affidavits demonstrating that the settlement is fair and reasonable and requesting approval of the same, by **June 25, 2021**.

The parties' motion and evidence must address the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012), including: "(1) the plaintiff's range of possible recovery; (2) the extent to which the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses; (3) the seriousness of the litigation risks faced by the parties; (4) whether the settlement agreement is the product of arm's-length bargaining between experienced counsel; and (5) the possibility of fraud or collusion." Id. (internal quotation marks and citation omitted). The parties' motion should also address "factors that weigh against approving a settlement . . . [including:] (1) the presence of other employees situated similarly to the claimant; (2) [the] likelihood that the claimant's circumstances will recur; (3) a[ny] history of FLSA non-

compliance by the same employer or others in the same industry or geographic region; and (4) the desirability of a mature record and a pointed determination of the governing factual or legal issue to further the development of the law either in general or in an industry or in a workplace.” Id. at 336 (internal quotation marks and citation omitted).

SO ORDERED.

Dated: New York, New York
May 25, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge